THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

CMA NO.591 OF 2005

Dated 23-9-2010

Between:

United India Insurance Company Limited
.....Appellant

&

1. Marikanti Uppalaiah S/o.Tirupataiah & another
.....Respondents

THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

CMA NO.591 OF 2005

JUDGMENT:

This appeal is filed by the United Insurance Company Limited against the order dated 7-8-2004 passed in OP No.1128 of 2003 by the XIV Addl. Chief Judge, City Civil Court, Hyderabad. The 1st respondent-claimant filed the above OP, who is the husband of the deceased Marikanti Vinoda, died in the motor vehicle accident occurred on 1-4-2003 involving lorry bearing no.AP 9x 1269, for compensation of Rs.2,50,000/-.

2. The Tribunal on evidence held that the accident occurred on account of the rash and negligent driving of the accident lorry and taking the income of the deceased at minimum wages fixed by the Government, awarded a sum of Rs.2,37,000/- with interest 9% per annum from the date of petition till date of realization.

3. Heard the learned counsel for the appellant and the learned counsel for the respondent-claimant. Perused the impugned order passed by the Tribunal.

4. Though it is true that no proof was filed to the effect that the deceased was working as a sweeper and earning Rs.3,000/- per month, the Tribunal took Rs.50/- per day i.e. the minimum wages fixed by the Government and after applying appropriate multiplier, considering the age of the deceased at 30 years, and she died at a very young age awarded a sum of Rs.2,37,000/-. In my considered view the compensation awarded by the Tribunal cannot be said to be excessive. However, the rate of interest granted by the Tribunal is reduced from 9% per annum to 7% per annum from the date of petition till realization.

5. Subject to the above modification of the impugned award with regard to the rate of interest, the appeal is dismissed. No costs.

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Ghulam Mohammed, J

Dated : 23-9-2010